

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

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| TODD WHITE, |) | CASE NO. 3:19-cv-1808 |
| |) | |
| Plaintiff, |) | JUDGE JAMES G. CARR |
| |) | |
| vs. |) | <u>DEFENDANT TRINITY SERVICES</u> |
| |) | <u>GROUP, INC.'S ANSWER TO</u> |
| MANAGEMENT & TRAINING CORP., <i>et</i> |) | <u>COMPLAINT</u> |
| <i>al.</i> , |) | |
| |) | <u>JURY DEMAND ENDORSED HEREON</u> |
| Defendants. |) | |

For its answer to the Complaint, Defendant Trinity Services Group, Inc. ("Trinity")
states:

FIRST DEFENSE

1. Defendant Trinity denies the allegations in Paragraph 1 of the Complaint for lack of knowledge or information sufficient to form a belief as to their truth.
2. Defendant Trinity denies the allegations in Paragraph 2 of the Complaint for lack of knowledge or information sufficient to form a belief as to their truth.
3. Defendant Trinity denies the allegations in Paragraph 3 of the Complaint for lack of knowledge or information sufficient to form a belief as to their truth.
4. Paragraph 4 of the Complaint makes no allegations against Defendant Trinity and requires no response. To the extent this Paragraph requires a response, Defendant Trinity denies the allegations for lack of knowledge or information sufficient to form a belief as to their truth.

5. Paragraph 5 of the Complaint makes no allegations against Defendant Trinity and requires no response. To the extent this Paragraph requires a response, Defendant Trinity denies the allegations for lack of knowledge or information sufficient to form a belief as to their truth.

6. For its answer to Paragraph 6 of the Complaint, Defendant Trinity admits that it is incorporated in the State of Florida and that it is authorized to do business in the State of Ohio. Further answering, Defendant Trinity admits that it has an agreement to provide food services at the North Central Correctional Institution in Marion, Ohio. Defendant Trinity denies the remaining allegations for lack of knowledge or information sufficient to form a belief as to their truth.

7. For its answer to Paragraph 7 of the Complaint, Defendant Trinity denies the allegations in this Paragraph for lack of knowledge or information sufficient to form a belief as to their truth.

8. For its answer to Paragraph 8 of the Complaint, Defendant Trinity denies the allegations in this Paragraph for lack of knowledge or information sufficient to form a belief as to their truth.

9. For its answer to Paragraph 9 of the Complaint, Defendant Trinity states that to the extent this Paragraph calls for a legal conclusion it requires no response. Further answering, Defendant Trinity admits that pursuant to its agreement with MTC it agreed to comply with all federal, state and local laws and regulations governing the preparation, handling and serving of foods. Defendant Trinity denies the remaining allegations in this Paragraph for lack of knowledge or information sufficient to form a belief as to their truth.

10. Paragraph 10 of the Complaint makes no allegations against Defendant Trinity and requires no response. To the extent this Paragraph requires a response, Defendant Trinity

denies the allegations for lack of knowledge or information sufficient to form a belief as to their truth.

11. For its answer to Paragraph 11 of the Complaint, Defendant Trinity states that to the extent this Paragraph calls for a legal conclusion it requires no response. To the extent this Paragraph requires a response, Defendant Trinity admits that pursuant to its agreement with MTC it agreed to comply with all federal, state and local laws and regulations governing the preparation, handling and serving of foods. Defendant Trinity denies the allegations for lack of knowledge or information sufficient to form a belief as to their truth.

12. For its answer to Paragraph 12 of the Complaint, Defendant Trinity states that to the extent this Paragraph calls for a legal conclusion it requires no response. To the extent this Paragraph requires a response, Defendant Trinity denies the allegations for lack of knowledge or information sufficient to form a belief as to their truth.

13. Paragraph 13 of the Complaint makes no allegations against Defendant Trinity and requires no response. To the extent this Paragraph requires a response, Defendant Trinity denies the allegations for lack of knowledge or information sufficient to form a belief as to their truth.

14. Paragraph 14 of the Complaint makes no allegations against Defendant Trinity and requires no response. To the extent this Paragraph requires a response, Defendant Trinity denies the allegations for lack of knowledge or information sufficient to form a belief as to their truth.

15. Paragraph 15 of the Complaint makes no allegations against Defendant Trinity and requires no response. To the extent this Paragraph requires a response, Defendant Trinity

denies the allegations for lack of knowledge or information sufficient to form a belief as to their truth.

16. Defendant Trinity denies the allegations in Paragraph 16 of the Complaint for lack of knowledge or information sufficient to form a belief as to their truth.

17. Defendant Trinity denies the allegations in Paragraph 17 of the Complaint for lack of knowledge or information sufficient to form a belief as to their truth.

18. Defendant Trinity denies the allegations in Paragraph 18 of the Complaint for lack of knowledge or information sufficient to form a belief as to their truth.

19. Paragraph 19 of the Complaint makes no allegations against Defendant Trinity and requires no response. To the extent this Paragraph requires a response, Defendant Trinity denies the allegations for lack of knowledge or information sufficient to form a belief as to their truth.

20. For its answer to Paragraph 20 of the Complaint, Defendant Trinity denies that it breached any duty of care to Plaintiff in any way. Further answering, Defendant Trinity denies the remaining allegations for lack of knowledge or information sufficient to form a belief as to their truth.

21. Defendant Trinity denies the allegations in Paragraph 21 of the Complaint.

22. Paragraph 22 of the Complaint makes no allegations against Defendant Trinity and requires no response. To the extent this Paragraph requires a response, Defendant Trinity denies the allegations for lack of knowledge or information sufficient to form a belief as to their truth.

23. Defendant Trinity denies all allegations not specifically admitted.

SECOND DEFENSE

24. Plaintiff's Complaint fails, in whole or in part, to state a claim against Defendant Trinity upon which relief may be granted.

THIRD DEFENSE

25. Plaintiff's negligence proximately caused and/or contributed to the alleged damages, if any.

FOURTH DEFENSE

26. Defendant Trinity acted in good faith and exercised reasonable care at all times.

FIFTH DEFENSE

27. Plaintiff has not suffered any injury or damage by reason of any act or omission by Defendant Trinity, and no act or omission by Defendant Trinity was the proximate cause of Plaintiff's alleged damages.

SIXTH DEFENSE

28. Any potentially hazardous condition was open and obvious.

EIGHTH DEFENSE

29. Any potentially hazardous condition did not result from any unreasonable acts taken by Defendant Trinity.

NINTH DEFENSE

30. The condition which allegedly caused Plaintiff's alleged injury was not unreasonably hazardous.

31. Defendant Trinity reserves the right to allege additional defenses that may become known during discovery and as Defendant Trinity continues to investigate these claims.

Respectfully submitted,

/s/ Tracey L. Turnbull

Tracey L. Turnbull (0066958)
PORTER WRIGHT MORRIS & ARTHUR LLP
950 Main Avenue, Suite 500
Cleveland, Ohio 44113
Telephone: 216-443-9000
Fax: 216-443-9011
tturnbull@porterwright.com

Ryan L. Graham (0093826)
PORTER, WRIGHT, MORRIS & ARTHUR LLP
41 South High Street, Suite 2900
Columbus, Ohio 43215
Telephone: (614) 227-2000
Fax: (614) 227-2100
rgraham@porterwright.com

Counsel for Defendant Trinity Services Group, Inc.

JURY DEMAND

Defendant Trinity Services Group, Inc. demands a trial by jury on all issues so triable,
using the maximum number of jurors under the law.

/s/ Tracey L. Turnbull

CERTIFICATE OF SERVICE

I hereby certify that on September 6, 2019 a copy of foregoing Answer to Complaint was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties have been served by regular U.S. mail. Parties may access this filing through the Court's system.

/s/ Tracey L. Turnbull

One of the Attorneys for Defendant Trinity
Services Group, Inc.